

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

DAINON TARQUINIUS SIDNEY,)
605 Lakemeade Pointe) Bk. No. 13-09063-KL3-13
Old Hickory, TN 37138) Chapter 13
SSN: XXX-XX-7845) Judge Keith M. Lundin
Debtor(s).)

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: June 11, 2014
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: June 25, 2014 at 8:30 a.m. in Courtroom 1, 2nd Floor Customs House, 701 Broadway, Nashville, Tennessee 37203

**NOTICE OF TRUSTEE'S MOTION TO DISMISS FOR CAUSE, FOR FAILURE
TO DISCLOSE LIABILITIES**

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, by and through his counsel, has asked the Court for the following relief: **Trustee's Motion to Dismiss for Cause, for Failure to Disclose Liabilities**.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <<https://ecf.tnmb.uscourts.gov>>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: May 21, 2014

/s/ Tracy L. Schweitzer

Tracy L. Schweitzer
Counsel to Henry E. Hildebrand, III
Chapter 13 Trustee
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

)
DAINON TARQUINIUS SIDNEY,) Bk. No. **13-09063-KL3-13**
605 Lakemeade Pointe) Chapter 13
Old Hickory, TN 37138) Judge Keith M. Lundin
)
SSN: XXX-XX-7845)
)
Debtor(s).)

TRUSTEE'S MOTION TO DISMISS FOR CAUSE, FOR FAILURE
TO DISCLOSE LIABILITIES

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, by and through his counsel, respectfully moves this Court to dismiss the above-styled case, for cause, for failure of the debtor to adequately disclose liabilities to the Trustee, the Court, and other parties in interest.

In support of the motion, the Trustee would state the debtor filed a voluntary petition under Chapter 13 of Title 11 on October 16, 2013. On December 5, 2013, the Order Confirming the debtor's Chapter 13 Plan was entered by this Court. The Confirmation Order provided for SunTrust Bank as a long-term debt provided for under 11 U.S.C. § 1322(b)(5) for the Trustee to cure a pre-confirmation default and maintain post-confirmation continuing payments to SunTrust Bank. In addition, the Confirmation Order placed the debtor on probation and provided that the case would be dismissed without further hearing upon a plan default and an Order Dismissing Case filed by the Trustee.

A proof of claim was filed on behalf of SunTrust Bank, designated as claim 1 on the Court's claims register, on October 25, 2013. The proof of claim filed by SunTrust was filed as principal balance proof of claim for a total amount of \$142,614.78. Paragraph 2 of the proof of claim states, "Charged off full balance due immediately."

On February 26, 2014, the Trustee submitted an Order Dismissing the debtor's case which was entered February 27, 2014 as a result of a default in plan payments to the Chapter 13 Trustee.

On March 25, 2014, an Order Setting Aside the Dismissal was entered. No objection has been filed to the principal balance proof of claim filed by SunTrust in the amount of \$142,614.78. As a result of the principal balance proof of claim which differs from the debtor's Schedules and confirmed plan providing for SunTrust as a 1322(b)(5) long-term claim, the debtor's Chapter 13 plan is no longer feasible.

WHEREFORE, THE PREMISES CONSIDERED, the Trustee respectfully moves this Court to dismiss the above-styled case, for cause, for the debtor's failure to adequately disclose liabilities.

Respectfully submitted,

/s/ Tracy L. Schweitzer

Tracy L. Schweitzer
Counsel to Henry E. Hildebrand, III
Chapter 13 Trustee
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on or before the 21st day of May, 2014, a true and correct copy of the foregoing has been served in the following manner:

Email by Electronic Case Noticing to:

U. S. Trustee
Maria M. Salas, Counsel for Debtor

By U. S. Postal Service, postage prepaid to:

Dainon T. Sidney, 605 Lakemeade Pointe, Old Hickory, TN 37138
Salas Law Group PLLC, 33 Music Square West, Suite 100A, Nashville, TN 37203
Michael N. Wennerlund, Wilson & Associates, Creekside Crossing III, 8 Cadillac Drive, Suite 120, Brentwood, TN 37027
All Creditors on attached mailing list

/s/ Tracy L. Schweitzer

Tracy L. Schweitzer
Counsel to Henry E. Hildebrand, III
Chapter 13 Trustee

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FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

DAINON TARQUINIUS SIDNEY,
605 Lakemeade Pointe
Old Hickory, TN 37138

SSN: XXX-XX-7845

Debtor(s).

Bk. No. 13-09063-KL3-13
Chapter 13
Judge Keith M. Lundin

ORDER DISMISSING CASE

It appearing to the Court, based upon the certification of the Trustee's counsel as indicated by her electronic signature below, that the Trustee, by and through his counsel, has filed a Motion to Dismiss the above-styled case for failure of the debtor to adequately disclose liabilities and that, pursuant to Rule 9013-1 of the Local Rules of the Bankruptcy Court for the Middle District of Tennessee, has forwarded a copy of that application along with notice and an opportunity to be heard to the debtor, debtor's counsel, all creditors, and the Assistant U. S. Trustee and that no affected party in interest has objected to or requested a hearing on the Trustee's application, it is

ORDERED, the above-styled case is dismissed, for cause, for failure of the debtor to adequately disclose liabilities.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.

APPROVED BY:

Tracy L. Schweitzer
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Chapter 13 Trustee
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CSST NASHVILLE 220 ATHENS WAY STE 500 NASHVILLE, TN 37228

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